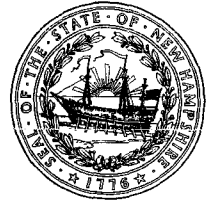




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Jan Flipe
Golden Gables
PO BOX 626
North Conway, New Hampshire 03860

LETTER OF DEFICIENCY
WMB PBF 05-10
September 1, 2005

Dear Mr. Flipe:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 22nd, 2005, DES inspected the following public bathing facilities at the Golden Gable in North Conway, NH: the outdoor pool ("Outdoor Pool") and spa ("Spa").

During this inspection, the following deficiencies were noted:

1. A recommendation to close and super chlorinate Spa was issued on August 22nd, 2005. The inspection on August 22nd, 2005 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:
 - a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Spa water contained greater than 200 CTS/100mL of total coliform bacteria.
 - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The free chlorine concentration of the Spa water in was approximately 0.34 mg/L on August 22nd, 2005.
3. Env-Ws 1105.01(k)(19-b) requires pool filtration systems to include a flow meter. The filtration system for the pool did not include a working flow meter at the time of inspection.
4. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.

During a phone conversation, DES staff was notified that the spa was super chlorinated the day of the inspection and that the following day the spa was partially drained and filled prior to being re-opened for use.

DES believes the cited deficiencies can be corrected within 30 calendar days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when:
 - a. the installation/repair of the flow meter will be completed; and
 - b. the installation of sign indicating the nearest phone will be completed.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

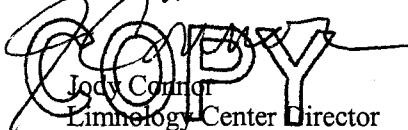
Telephone: (603) 271-2457 • Fax: (603) 271-7894 • TDD Access: Relay NH 1-800-735-2964

DES Web site: www.des.nh.gov

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7330

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Kenneth Kiesman, Health Officer, Town of North Conway

H:\BIOLOGY\POOLS\Program Administration\Enforcement\Letters\LOD-2005\LOD.05.10.doc